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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. 40

Session of  
2023

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INTRODUCED BY HUGHES, SCHWANK, HAYWOOD, COLLETT, SANTARSIERO,  
FONTANA, FLYNN, DILLON, KANE, STREET, TARTAGLIONE,  
CAPPLETTI, KEARNEY, COSTA, COMITTA AND SAVAL,  
JANUARY 31, 2023

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REFERRED TO STATE GOVERNMENT, JANUARY 31, 2023

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AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; in registration system, further providing for  
4 departmental responsibilities and for SURE system; in voter  
5 registration, further providing for methods of voter  
6 registration and for application with driver's license  
7 application, providing for Commonwealth agencies and other  
8 entities and further providing for preparation and  
9 distribution of applications and for approval of registration  
10 applications; and providing for privacy and security  
11 standards for voter registration in this Commonwealth.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The definitions of "applicant," "registration  
15 card" and "registration records" in section 1102 of Title 25 of  
16 the Pennsylvania Consolidated Statutes are amended and the  
17 section is amended by adding a definition to read:

18 § 1102. Definitions.

19 Subject to additional definitions contained in subsequent  
20 provisions of this part which are applicable to specific  
21 provisions of this part, the following words and phrases when

1 used in this part shall have the meanings given to them in this  
2 section unless the context clearly indicates otherwise:

3 "Applicant." An individual who is automatically registered  
4 or who applies to be registered to vote as provided for in this  
5 part.

6 \* \* \*

7 "Employment or program application." All of the following:

8 (1) An application for employment filed with any of the  
9 following:

10 (i) The Bureau of State Employment.

11 (ii) An independent agency of this Commonwealth.

12 (iii) The State Civil Service Commission.

13 (2) An application for any financial assistance,  
14 compensation, benefit or service available, offered or to  
15 which the individual is entitled pursuant to any program  
16 administered by the following:

17 (i) The Department of Aging.

18 (ii) The Department of Health.

19 (iii) The Department of Human Services.

20 (iv) The Insurance Department.

21 (v) The Department of Labor and Industry.

22 (vi) The Department of Military and Veterans

23 Affairs.

24 (vii) The Department of Revenue.

25 (viii) The Treasury Department.

26 (ix) The Pennsylvania Housing Finance Agency.

27 (x) Any other offices in this Commonwealth that  
28 provide public assistance or that provide State-funded  
29 programs primarily engaged in providing services to low-  
30 income individuals, the elderly or individuals with

1                   disabilities.

2                   (3) An application for admission to a State-owned or  
3                   State-related institution of higher education in this  
4                   Commonwealth.

5                   (4) An application for financial assistance filed with  
6                   the Pennsylvania Higher Education Assistance Agency.

7                   \* \* \*

8                   "Registration card." A registration record, including an  
9                   electronic record, containing all information required on the  
10                  registration application, including the elector's signature or  
11                  electronic signature, and suitable space for the insertion by  
12                  the appropriate official of the following information:

13                  (1) The ward and election district of residence.

14                  (2) The registrant's street address.

15                  (3) Data required to be given upon removal from the  
16                  registrant's residence.

17                  (4) The date of each election at which the registrant  
18                  votes.

19                  (5) The number and letter of the stub of the ballot  
20                  issued to the registrant or the registrant's number in the  
21                  order of admission to the voting machines.

22                  (6) The initials of the election officer who enters the  
23                  record of voting in the district register.

24                  (7) Whether the registrant needs assistance to vote and,  
25                  if so, the nature of the disability.

26                  "Registration records." The general register, district  
27                  register and any other record of registration, including an  
28                  electronic record, maintained by a commission. The term includes  
29                  any record maintained by the commission on the Statewide Uniform  
30                  Registry of Electors.

1 \* \* \*

2 Section 2. Sections 1201, 1222(c)(8), 1321 and 1323 of Title  
3 25 are amended to read:

4 § 1201. Departmental responsibilities.

5 The department shall do all of the following:

6 (1) Provide for applicants to submit their voter  
7 registration application to a commission, the Department of  
8 Transportation and other agencies designated in section 1325  
9 (relating to government agencies).

10 (2) Prescribe a procedure for the return of completed  
11 voter registration applications from and the schedule by  
12 which the Department of Transportation, the Department of  
13 [Public Welfare] Human Services, armed forces recruitment  
14 centers, Offices of the Clerk of Orphan's Court and all other  
15 offices authorized under [this part to the secretary or the  
16 appropriate commission.] sections 1323 (relating to automatic  
17 registration with driver's license application), 1325 and  
18 1325.1 (relating to Commonwealth agencies and other entities)  
19 to register individuals to vote shall provide to the  
20 department electronic records containing the legal name, age,  
21 residence and citizenship information for, and the electronic  
22 signature of, each individual who meets qualifications  
23 identified by the secretary by guideline for automatic  
24 registration.

25 (3) Develop, establish, implement and administer a  
26 Statewide Uniform Registry of Electors in accordance with  
27 Subchapter B (relating to Statewide Uniform Registry of  
28 Electors (SURE)).

29 (4) Promulgate regulations necessary to administer this  
30 part.

1 § 1222. SURE system.

2 \* \* \*

3 (c) Requirements.--The SURE system shall be developed as a  
4 single, uniform integrated computer system. All commissions  
5 shall be connected electronically to the SURE system and shall  
6 maintain their registration records in the system. The SURE  
7 system shall, at a minimum, do all of the following:

8 \* \* \*

9 (8) Provide for the electronic transfer of voter  
10 registration information transmitted pursuant to section 1502  
11 (relating to transfer of registration), completed voter  
12 registration applications and changes of address in  
13 accordance with this part.

14 \* \* \*

15 § 1321. Methods of voter registration.

16 (a) Application.--An individual qualified to register to  
17 vote under section 1301(a) (relating to qualifications to  
18 register) may apply to register [as follows] in accordance with:

19 (1) [Under section] Section 1322 (relating to in-person  
20 voter registration).

21 (2) [Under section] Section 1323 (relating to  
22 [application] automatic registration with driver's license  
23 application).

24 (3) [Under section] Section 1324 (relating to  
25 application by mail).

26 (4) [Under section] Section 1325 (relating to government  
27 agencies).

28 (b) Automatic registration.--An individual qualified to  
29 register to vote under section 1301(a) who applies for or uses  
30 government services pursuant to section 1323 or 1325.1 (relating

1 to Commonwealth agencies and other entities) shall be registered  
 2 automatically unless an individual chooses not to register  
 3 automatically as provided for in this chapter.

4 § 1323. [Application] Automatic registration with driver's  
 5 license application.

6 (a) General rule.--

7 (1) The Department of Transportation shall provide for  
 8 simultaneous [application for] voter registration in  
 9 conjunction with the process under 75 Pa.C.S. § 1510  
 10 (relating to issuance and content of driver's license). An  
 11 application under this subsection shall serve as an  
 12 application to register to vote unless the applicant fails to  
 13 sign the voter registration application.

14 (1.1) The secretary shall prescribe a procedure and  
 15 schedule by which the Department of Transportation shall  
 16 collect voter information and provide to the department  
 17 electronic registration records containing the legal name,  
 18 age, residence and the electronic signature of each  
 19 individual who reports being a citizen of the United States,  
 20 is subject to penalties under 18 Pa.C.S. § 4904 (relating to  
 21 unsworn falsification to authorities) and meets  
 22 qualifications identified by the secretary. The secretary has  
 23 the primary responsibility for implementing and enforcing the  
 24 driver's license voter registration system created under this  
 25 section. The secretary, in consultation with the Secretary of  
 26 Transportation, may promulgate regulations for implementing  
 27 this section.

28 (1.2) Upon receiving the electronic registration record  
 29 for, and electronic signature of, an individual described in  
 30 paragraph (1.1), the secretary shall provide the information

1 to the commission in which the individual may be registered  
2 as an elector under the laws of this Commonwealth and under  
3 52 U.S.C. Ch. 205 (relating to national voter registration).  
4 The commission shall provide each individual with the process  
5 to:

6 (i) Decline being registered as a voter.

7 (ii) Adopt a political party affiliation, along with  
8 information as to which elections require a political  
9 party affiliation for participation.

10 (1.3) If an individual notified under paragraph (1.2)  
11 does not decline to be registered as an elector within 21  
12 calendar days after the commission issues the notification,  
13 the individual's electronic registration record and  
14 electronic signature submitted under paragraph (1.1) shall  
15 constitute a completed voter registration application for  
16 purposes of this chapter. The individual shall be registered  
17 to vote if the individual is eligible to vote under the laws  
18 of this Commonwealth and is not already registered to vote.

19 (1.4) An individual notified under paragraph (1.2) who  
20 does not decline to be registered as an elector within 21  
21 calendar days after the commission issues the notification  
22 and does not adopt a political party affiliation shall be  
23 required to adopt a political party affiliation prior to  
24 voting at the next primary election at which the individual  
25 exercises his or her right to vote. If no such political  
26 affiliation is adopted, an individual shall be permitted to  
27 vote at the next election that does not require a political  
28 party affiliation to participate.

29 (1.5) A commission may not send a ballot to, or add to  
30 an elector registration list, an individual who does not have

1       a completed registration under paragraph (1.2).

2           (2) An application for voter registration or automatic  
3 registration submitted to the Department of Transportation  
4 under this subsection shall be considered as updating any  
5 previous voter registration information by a registrant.

6           (3) Any change of address submitted to the Department of  
7 Transportation for the purposes of driver licensing or an  
8 identification card under 75 Pa.C.S. § 1510 shall serve as  
9 notification of change of address for voter registration for  
10 the registrant involved unless the registrant indicates that  
11 the change of address is not for voter registration purposes.

12       (b) Process.--

13           (1) The Department of Transportation shall both provide  
14 for an application for voter registration as part of a  
15 driver's license application[.] and collect voter  
16 registration information as part of an application submitted  
17 under 75 Pa.C.S. § 1510 by an individual who meets the  
18 qualifications to register under section 1301(a) (relating to  
19 qualifications to register).

20           (2) The format of the driver's license/voter  
21 registration application and information to be collected  
22 shall be determined and prescribed by the secretary and the  
23 Secretary of Transportation[.] and shall include all the  
24 requirements of an official voter registration application  
25 specified in section 1327 (relating to preparation and  
26 distribution of applications).

27           (3) The voter registration application portion of the  
28 application shall contain all the requirements of an official  
29 voter registration application specified in section 1327  
30 [(relating to preparation and distribution of applications)].

1 The voter registration portion of the application:

2 (i) may not require any information that duplicates  
3 information required in the driver's license portion of  
4 the form, other than a second signature; and

5 (ii) may require only the minimum amount of  
6 information necessary to prevent duplicate voter  
7 registration, to enable the commission to assess the  
8 eligibility of the applicant and to administer voter  
9 registration and other parts of the election process.

10 (c) Transmission.--

11 (1) The Department of Transportation shall forward  
12 completed applications or contents of the completed voter  
13 registration applications in machine-readable format to the  
14 department by the close of registration for the ensuing  
15 election. The Department of Transportation shall forward the  
16 electronic registration record containing the information set  
17 forth in subsection (a) (1.1) to the secretary as prescribed  
18 by section 1201(2) (relating to departmental  
19 responsibilities) regarding an individual who reports being a  
20 citizen of the United States, subject to penalties under 18  
21 Pa.C.S. § 4904.

22 (2) [The] Upon receipt, the department shall transmit  
23 the material to the appropriate commission within ten days  
24 after the date of its receipt by the Department of  
25 Transportation. If a voter registration application is  
26 received by the Department of Transportation within five days  
27 before the last day to register before an election, the  
28 application shall be transmitted to the appropriate  
29 commission not later than five days after the date of its  
30 receipt by the Department of Transportation.

(3) (i) Upon receipt of the completed voter registration information from the department, the commission shall make a record of the date of the receipt of the application or electronic registration record and process the application. No applicant shall be deemed eligible to vote until the commission has received and approved the application. Upon receipt of an electronic registration record from the department, the commission shall notify the individual of the process to:

(A) Decline being registered as a voter.

(B) Adopt a political party affiliation, along with information as to which elections require a political party affiliation for participation.

(ii) If an individual notified under subparagraph

(i) does not decline to be registered as an elector within 21 calendar days after the commission issues the notification, the individual's electronic record and electronic signature submitted under paragraph (1) shall constitute a completed voter registration application for purposes of this chapter. The individual shall be registered to vote if the individual is eligible to vote under the laws of this Commonwealth and is not already registered to vote.

(iii) A commission may not send a ballot to, or add to an elector registration list, an individual who does not have a completed voter registration under subparagraph (ii).

(3.1) After the Department of Transportation is connected to the SURE system and notwithstanding paragraphs (1), (2) and (3), the Department of Transportation shall

1 transmit electronically the contents of a completed voter  
2 registration application within five days of receipt of the  
3 application. The Department of Transportation shall transmit  
4 the electronic registration records of individuals who have  
5 reported, subject to penalties under 18 Pa.C.S. § 4904, that  
6 the individual is a citizen of the United States and shall  
7 contain the information in subsection (a) (1.1) within 24  
8 hours of collection of the information. Upon receipt of the  
9 information from the Department of Transportation, a  
10 commission shall, in the case of an application, make a  
11 record of the date of the receipt of the application and  
12 process the application in accordance with section 1328  
13 (relating to approval of registration applications) or, in  
14 the case of an electronic registration record, proceed in  
15 accordance with paragraph (3). If the commission of the  
16 county of residence has not been connected to the SURE  
17 system, the Department of Transportation shall forward the  
18 completed application or contents of the completed  
19 application or the electronic registration record to the  
20 department in accordance with paragraph (1). No applicant  
21 shall be deemed eligible to vote until the commission has  
22 received and approved an application in accordance with  
23 section 1328.

24 (4) Changes of address shall comply with the following:

25 (i) Before the Department of Transportation is  
26 connected to the SURE system, the Department of  
27 Transportation shall notify the department of changes of  
28 address received under subsection (a) (3). The department  
29 shall notify the commission of the county of the  
30 registrant's former residence. After the Department of

Transportation is connected to the SURE system, the Department of Transportation shall notify the commission of the county of the registrant's former residence. If the registrant has moved to an address outside this Commonwealth, the commission shall verify the address change in accordance with section 1901 (relating to removal of electors). Except as provided in subparagraph (ii), if the registrant confirms in accordance with section 1901(d) that he has moved to another county, the commission shall cancel the registration and forward the registrant's registration information to the commission of the registrant's new county of residence. Except as provided in subparagraph (ii), if the registrant has moved to an address within the commission's jurisdiction, the commission shall promptly update the registration record of the registrant in accordance with section 1328. All changes of address received by the Department of Transportation under this section at least 30 days before an election must be processed by the commission for the ensuing election. For the purpose of this paragraph, the term "registration information" means the registration card and any other record of registration maintained by a commission.

(ii) In the case of changes of address received by the Department of Transportation which do not contain a signature of the registrant, the commission receiving the change of address notification shall mail a notice to the registrant at the new residence address requesting verification of the address change. If the change of address is to a new residence outside the commission's

1 jurisdiction, the commission shall mail the following  
2 notice:

3 Date.....

4 Office of the Registration Commission

5 ..... County, Pennsylvania

6 ..... (Address and Telephone No. of County)

7 We have been notified by the Department of Transportation  
8 that you recently changed your address

9 from ..... (old residence address)

10 to ..... (new residence address) and that this  
11 change of address is to serve as a change of address for  
12 voter registration purposes. Unless you notify this  
13 office within ten days from the date of this notice that  
14 this information is not correct, your voter registration  
15 will be transferred to ..... County. You may notify  
16 this office by writing your residence address, the date  
17 and your signature on the bottom of this form and mailing  
18 this notice to this office. You need not notify this  
19 office if this information is correct.

20 .....

21 Chief Clerk

22 If the address change is within the commission's  
23 jurisdiction, the commission shall mail a voter's  
24 identification card to the registrant at the new  
25 residence address.

26 (iii) If the registrant does not return the notice  
27 under subparagraph (ii) within the ten-day period, the  
28 commission shall process the change of address according  
29 to subparagraph (i). If the registrant notifies the  
30 commission that the information is incorrect and the

1 commission is satisfied with the registrant's explanation  
2 of the discrepancy, the address of the registrant's  
3 registration shall remain unchanged. If the verification  
4 notification or voter identification card is returned by  
5 the post office as undeliverable as addressed or with a  
6 forwarding address, the commission shall send a  
7 confirmation notice to the registrant's address of former  
8 residence in accordance with section 1901(d)(2).

9 (5) Upon notification and confirmation of any change of  
10 address, a commission shall promptly update information  
11 contained in its registration record.

12 (d) Prohibition.--[An] The Department of Transportation may  
13 not register to vote under this section an individual who is not  
14 a qualified elector [is ineligible to register to vote under  
15 this section].

16 (e) Effect.--Failure to properly complete a voter  
17 registration application or refusal to provide voter  
18 registration information shall not affect the validity of an  
19 application for a driver's license, a renewal application or an  
20 identification card application.

21 (f) Use of information.--No information regarding a  
22 declination to register to vote in connection with an  
23 application [made] submitted or not submitted if an individual  
24 has not certified that the individual is a citizen of the United  
25 States, subject to penalties under 18 Pa.C.S. § 4904, under this  
26 section may be used for any purpose other than voter  
27 registration.

28 (g) Staff.--Agents and employees working on behalf of the  
29 Department of Transportation assisting in the completion of  
30 voter registration applications or collecting voter registration

1 information under this section shall conduct themselves in a  
2 manner consistent with the following principles:

3 (1) They shall not seek to influence an applicant's  
4 political preference or party registration or display  
5 political preference or party allegiance.

6 (2) They shall not make a statement to an applicant or  
7 take an action the purpose or effect of which is to  
8 discourage the applicant from registering to vote or  
9 providing voter registration information.

10 (3) Applicants wishing to register to vote under this  
11 section shall be given the same degree of assistance with the  
12 voter registration application as with all other Department  
13 of Transportation forms.

14 Agency employees who violate this subsection or who fail to  
15 collect the information required under subsection (a) (1.1) or  
16 fail to forward the information to the department or the SURE  
17 system shall be removed from employment, provided that the  
18 agency at its discretion may impose a penalty of suspension  
19 without pay for at least 30 days, but not more than 120 days, if  
20 it finds that the violation does not warrant termination.

21 Section 3. Title 25 is amended by adding a section to read:  
22 § 1325.1. Commonwealth agencies and other entities.

23 (a) Administration.--The secretary shall administer a system  
24 whereby each individual submitting an employment or program  
25 application shall provide for simultaneous voter registration in  
26 conjunction with an employment or program application filed with  
27 the agency or entity.

28 (b) Procedure.--The secretary shall prescribe a procedure  
29 and schedule by which each entity under this section shall  
30 provide to the department electronic records containing the

1 legal name, age, residence and citizenship information for, and  
2 the electronic signature of, each individual who has certified  
3 that the individual is a citizen of the United States, subject  
4 to penalties under 18 Pa.C.S. § 4904 (relating to unsworn  
5 falsification to authorities), and any other information  
6 required under this chapter.

7 (c) Effect.--Refusal to provide voter registration  
8 information shall not affect the validity of an employment or  
9 program application, consideration of the application or  
10 eligibility for any financial assistance, compensation, benefit  
11 or service available, offered or to which the individual is  
12 entitled pursuant to any program.

13 (d) Staff.--

14 (1) Agency or entity employees collecting voter  
15 registration information under this section shall conduct  
16 themselves in a manner consistent with the following  
17 principles:

18 (i) The employee may not seek to influence an  
19 applicant's political preference or party registration or  
20 display political preference or party allegiance.

21 (ii) The employee may not make a statement to an  
22 applicant or take an action the purpose of or effect of  
23 which is to discourage the applicant from providing voter  
24 registration information.

25 (iii) The employee may not make a statement to an  
26 applicant or take an action the purpose of or effect of  
27 which is to lead the applicant to believe that refusing  
28 to provide voter registration information has any bearing  
29 on the application, including its consideration, the  
30 likelihood of employment or, in the case of an

1                   application to a State-owned or State-related university,  
2                   acceptance, or the availability of services or benefits.

3                   (2) Agency or entity employees who violate this  
4                   subsection, who fail to collect the information required  
5                   under subsection (b) or fail to forward the information to  
6                   the department shall be removed from employment, except that  
7                   the agency or entity at its discretion may impose a penalty  
8                   of suspension without pay for at least 30 days, but not more  
9                   than 120 days, if it finds that the violation does not  
10                   warrant termination.

11                   (e) Encouraging registration.--Agencies and entities subject  
12                   to this section must provide reasonable space for nonpartisan  
13                   signs or posters advising individuals of automatic voter  
14                   registration. The signs and posters shall be provided by the  
15                   secretary.

16                   (f) Transmission.--The following shall apply:

17                   (1) Agencies and entities subject to this section shall  
18                   forward the electronic registration record of individuals who  
19                   certify that the individual is a citizen of the United  
20                   States, subject to penalties under 18 Pa.C.S. § 4904,  
21                   containing the information in subsection (b) to the secretary  
22                   as prescribed by section 1201(2) (relating to departmental  
23                   responsibilities).

24                   (2) Upon receipt, the department shall transmit the  
25                   material to the appropriate commission.

26                   (3) Upon receipt of the electronic record from the  
27                   department, the commission shall notify the individual of the  
28                   process to:

29                   (i) Decline being registered as a voter.

30                   (ii) Adopt a political party affiliation, along with

1                   information as to which elections require a political  
2                   party affiliation for participation.

3                   (4) The individual's electronic record and electronic  
4                   signature submitted under paragraph (1) shall constitute a  
5                   completed voter registration card for purposes of this  
6                   chapter. The individual shall be registered to vote if the  
7                   individual is eligible to vote under the laws of this  
8                   Commonwealth and is not already registered to vote.

9                   (5) An individual notified under paragraph (3) who does  
10                  not decline to be registered as an elector within 21 calendar  
11                  days after the commission issues the notification and does  
12                  not adopt a political party affiliation shall be required to  
13                  adopt a political party affiliation prior to voting at the  
14                  next primary election at which the individual exercises the  
15                  individual's right to vote. If no such political affiliation  
16                  is adopted, an individual shall be permitted to vote at the  
17                  next election that does not require a political party  
18                  affiliation to participate.

19                  (6) A commission may not send a ballot to, or add to an  
20                  elector registration list, an individual who does not have a  
21                  completed voter registration pursuant to paragraph (4).

22                  (g) Confidentiality.--The identity of an agency or entity  
23                  through which a particular voter is registered in accordance  
24                  with this section may not be disclosed to the public.

25                  (h) Use of information.--No information relating to voter  
26                  registration collected by agencies or entities, including, but  
27                  not limited to, an individual's citizenship status under this  
28                  section or information relating to an individual's election to  
29                  decline to register as a voter may be used for a purpose other  
30                  than voter registration.

1       (i) Regulation.--The secretary shall promulgate regulations  
2 regarding the maintenance and destruction of forms used pursuant  
3 to this section.

4       Section 4. Sections 1327(a)(3) and (4) and (b)(3) and  
5 1328(b) and (c)(1) and (2) of Title 25 are amended to read:

6 § 1327. Preparation and distribution of applications.

7       (a) Form.--

8           \* \* \*

9       (3) Any person who assists in the completion of the  
10 registration application shall sign the application and  
11 indicate the person's address. In the case of those  
12 [registering] automatically registered electronically under  
13 [sections] section 1323 (relating to [application] automatic  
14 registration with driver's license application) [and] ~~or~~ 1325  
15 (relating to government agencies) or 1325.1 (relating to  
16 Commonwealth agencies and other entities), the person  
17 providing assistance shall insert the person's initials or  
18 employee or agent identification number on a separate or  
19 detachable portion of the application or the computer data  
20 file.

21       (4) A voter registration application shall be printed on  
22 stock of good quality and shall be of suitable uniform size.  
23 Nothing in this part shall prohibit the design and use of an  
24 electronic voter registration application which includes the  
25 applicant's digitized or electronic signature. The  
26 registration application shall contain the following  
27 information; however, the information may be provided on a  
28 separate form for automatic voter registration made under  
29 section 1323 [or] ~~or~~ 1325 or 1325.1:

30           (i) Notice that a registered elector does not need

1 to reregister unless the registered elector has moved.

2 (ii) Instructions on how to fill out and submit the  
3 application and notification of when the application must  
4 be submitted to a voter registration office in order to  
5 be registered for the ensuing election.

6 (iii) Notice that the applicant must be a citizen of  
7 the United States for at least one month prior to the  
8 next election and a resident of this Commonwealth and the  
9 election district for at least 30 days and must be at  
10 least 18 years of age by the day of the next ensuing  
11 election and has not been confined in a penal institution  
12 for a conviction of a felony within the last five years.  
13 The notice required in this subparagraph shall be in  
14 print identical to the declaration under subsection (b).

15 (iv) Notice that political party enrollment is  
16 mandatory to vote in a primary election of a political  
17 party.

18 (v) [Notice] For a paper application, notice that  
19 the commission will mail by nonforwardable mail to the  
20 applicant a voter's identification card upon acceptance  
21 of the application and that the applicant should contact  
22 the commission if the identification card is not received  
23 within 14 days from the date the application is sent to  
24 the registration office.

25 (v.1) For automatic registration under section 1323,  
26 1325 or 1325.1, notice that the commission will notify  
27 the individual of the registration and that if the  
28 individual does not decline to be registered as an  
29 elector within 21 calendar days after the commission  
30 issues the notification, the individual's electronic

1                   record and electronic signature submitted under paragraph  
2                   (1) shall constitute a completed voter registration card  
3                   for purposes of this chapter.

4                   (vi) Notice that registration is not complete until  
5                   the application is processed and accepted by the  
6                   commission.

7                   (vii) A warning to the applicant that making a false  
8                   registration or furnishing false information is perjury.  
9                   The notice required in this subparagraph shall be in  
10                   print identical to the declaration under subsection (b).

11                   (viii) Instructions to Federal or State employees  
12                   who wish to retain voting residence in county of last  
13                   residence to so indicate on the application.

14                   (ix) Notice that, if an individual declines to  
15                   register to vote, the fact that the individual has  
16                   declined to register will remain confidential and will be  
17                   used only for voter registration purposes. The notice  
18                   required in this subparagraph shall be in print identical  
19                   to the declaration under subsection (b).

20                   (x) Notice that, if an individual does register to  
21                   vote, the office at which the individual submits a voter  
22                   registration application or was automatically registered  
23                   will remain confidential and will be used for voter  
24                   registration purposes only. The notices required in this  
25                   subparagraph shall be in print identical to the  
26                   declaration in subsection (b).

27                   \* \* \*

28                   (b) Registration declaration.--

29                   \* \* \*

30                   (3) The registration declaration shall contain the

1 printed name and signature of the applicant and the date of  
2 signing. An applicant unable to sign the voter registration  
3 application shall make a mark before a person of the  
4 applicant's choice other than the applicant's employer or an  
5 agent of the applicant's union. The person shall insert the  
6 person's name, address and telephone number. If the person is  
7 an employee or agent of the Department of Transportation or  
8 another agency as provided under section 1325 and is  
9 assisting the applicant in an official capacity, the employee  
10 or agent shall insert the initials and identification number  
11 of the employee or agent. In the case of applicants  
12 registering under section 1323 or 1325, the person providing  
13 assistance shall insert initials or employee or agent  
14 identification number on [a separate or detachable portion of  
15 the application or] the computer data file.

16 \* \* \*

17 § 1328. Approval of registration applications.

18 \* \* \*

19 (b) Decision.--A commission shall do one of the following:  
20 (1) Record and forward a voter registration application  
21 to the proper commission if the commission finds during its  
22 examination under subsection (a) that the applicant does not  
23 reside within the commission's county but resides elsewhere  
24 in this Commonwealth.

25 (2) Reject a voter registration application or an  
26 electronic voter registration record transferred under  
27 section 1323 (relating to automatic registration with  
28 driver's license application), 1325 (relating to government  
29 agencies) or 1325.1 (relating to Commonwealth agencies and  
30 other entities), indicate the rejection and the reasons for

1 the rejection on the application or electronic voter  
2 registration record and notify the applicant by first class  
3 nonforwardable mail, return postage guaranteed of the  
4 rejection and the reason if the commission finds during its  
5 examination under subsection (a) any of the following:

6 (i) The application or electronic registration was  
7 not properly completed and, after reasonable efforts by  
8 the commission to ascertain the necessary information,  
9 the application or electronic registration remains  
10 incomplete or inconsistent.

11 (ii) The applicant is not a qualified elector.

12 (iii) The applicant is not entitled to a transfer of  
13 registration or a change of address.

14 (iv) The applicant is not legally qualified for a  
15 change of name.

16 A rejection shall be made no later than ten days before the  
17 election succeeding the filing of the application.

18 (3) Process a voter registration application or  
19 electronic registration in accordance with subsection (c) if  
20 the commission finds during its examination under subsection  
21 (a) all of the following:

22 (i) The application or electronic registration  
23 requests registration.

24 (ii) The application or electronic registration  
25 contains the required information indicating that the  
26 applicant is a qualified elector of the county.

27 (4) Process a voter registration application or  
28 electronic registration in accordance with subsection (c) and  
29 update its registration records if the commission finds  
30 during its examination under subsection (a) all of the

following:

(i) The application or electronic registration requests registration.

(ii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of the county.

(5) Process a voter registration application or   
electronic registration in accordance with subsection (c) and  
request transfer of registration records in accordance with  
subsection (d) if the commission finds during its examination  
under subsection (a) all of the following:

(i) The application or electronic registration requests registration.

(ii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of another county.

(6) Process a voter registration application or   
electronic registration in accordance with subsection (c) and   
request transfer of registration records in accordance with   
subsection (d) if the commission finds during its examination   
under subsection (a) all of the following:

(i) The application or electronic registration requests a transfer of registration.

(ii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of another county.

(7) Process a voter registration application or  
electronic registration in accordance with subsection (c) and  
update its registration if the commission finds during its  
examination under subsection (a) all of the following:

(i) The application or electronic registration requests a change of address.

(ii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of the county.

(8) Process a voter registration application or electronic registration in accordance with subsection (c) and update its registration records if the commission finds during its examination under subsection (a) all of the following:

(i) The application or electronic registration requests a change of name.

(ii) The applicant is legally qualified to a change of name.

(iii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iv) The applicant is currently a registered elector of the county.

(c) Processing of voter registration.--

(1) When a commission has accepted a voter registration application or electronic registration under subsection (b)

1 (3), the commission shall assign each applicant a unique  
2 identification number in the SURE system. [The] Except as  
3 provided in section 1323(c)(3)(ii), 1325(f) or 1325.1(f)(4),  
4 the commission shall mail a wallet-sized voter's  
5 identification card to the individual by first class  
6 nonforwardable mail, return postage guaranteed, which shall  
7 serve as notice of the acceptance of the application. The  
8 card shall contain all of the following:

9 (i) Name and address of the individual.

10 (ii) Name of municipality of residence.

11 (iii) Identification of the individual's ward and  
12 district.

13 (iv) The effective date of registration.

14 (v) Designation of party enrollment and date of  
15 enrollment.

16 (vi) A space for the individual's signature or mark.

17 (vii) The unique identification number of the  
18 individual.

19 (viii) A statement that the individual must notify  
20 the commission within ten days from the date it was  
21 mailed if any information on the card is incorrect;  
22 otherwise, the information shall be deemed correct for  
23 voter registration purposes.

24 (2) When a commission has accepted a voter registration  
25 application under subsection (b)(4), (5), (6), (7) or (8),  
26 except as provided in section 1323(c)(3)(ii), 1325(f) or  
27 1325.1(f)(4), the commission shall mail a wallet-sized  
28 voter's identification card to the individual by first class  
29 nonforwardable mail, return postage guaranteed, which shall  
30 serve as notice of the acceptance of the application. The

1 card shall contain all of the following:

2 (i) Name and address of the individual.

3 (ii) Name of municipality of residence.

4 (iii) Identification of the individual's ward and  
5 district.

6 (iv) The effective date of registration.

7 (v) Designation of party enrollment and date of  
8 enrollment.

9 (vi) A space for the individual's signature or mark.

10 (vii) The SURE registration number of the  
11 individual.

12 (viii) A statement that the individual must notify  
13 the commission within ten days from the date it was  
14 mailed if any information on the card is incorrect;  
15 otherwise, the information shall be deemed correct for  
16 voter registration purposes.

17 \* \* \*

18 Section 5. Title 25 of the Pennsylvania Consolidated

19 Statutes is amended by adding a chapter to read:

20 CHAPTER 20

21 PRIVACY AND SECURITY STANDARDS

22 Sec.

23 2001. Establishment of privacy and security standards.

24 2002. Regulations, policies and enforcement procedures.

25 2003. Recordkeeping.

26 2004. Protections against liability.

27 2005. Protections against misuse of information.

28 § 2001. Establishment of privacy and security standards.

29 The secretary shall establish standards and procedures to

30 safeguard the privacy of the residents of this Commonwealth and

1 the integrity and security of the information on the Statewide  
2 voter registration database.

3 § 2002. Regulations, policies and enforcement procedures.

4 (a) Regulations.--The secretary shall promulgate regulations  
5 regarding privacy and security policies specifying each class of  
6 users who shall have authorized access to the Statewide voter  
7 registration database, specifying for each class the permissions  
8 and levels of access to be granted, and providing for other  
9 safeguards to protect the privacy and security of the  
10 information on the Statewide voter registration database. The  
11 regulations shall:

12 (1) prohibit public disclosure of certain voter  
13 information, including the source for a voter's registration  
14 and any information not necessary to voter registration;

15 (2) protect against public disclosure of Social Security  
16 numbers, driver's license numbers and signatures;

17 (3) prohibit public disclosure of an individual's  
18 decision not to register to vote;

19 (4) prohibit Commonwealth agencies from transmitting to  
20 election officials information other than that required for  
21 voter registration or specific information relevant to the  
22 administration of elections, including language preferences  
23 and demographic information; and

24 (5) prohibit the disclosure of information relating to  
25 individuals in categories designated confidential by Federal  
26 or State law, including victims of domestic violence or  
27 stalking, prosecutors and law enforcement personnel and  
28 participants in a witness protection program.

29 (b) Unauthorized access prohibited.--The secretary shall  
30 establish policies and enforcement procedures to prevent

1 Unauthorized access to the Statewide voter registration database  
2 and to any list provided by a source or list maintenance source.

3 (c) Interagency transfers.--The secretary shall establish  
4 policies and enforcement procedures to maintain security during  
5 interagency transfers of information on the Statewide voter  
6 registration database. A source agency participating in an  
7 interagency transfer of information shall facilitate and comply  
8 with the policies. Nothing in this subsection may be construed  
9 to prohibit a source agency from establishing and enforcing  
10 additional security measures to protect the confidentiality and  
11 integrity of interagency data transfers.

12 (d) Records retention.--The Secretary of the Commonwealth  
13 shall establish standards and procedures to maintain all  
14 election records required under law, including election records  
15 used for the purpose of determining the eligibility of  
16 individuals casting provisional ballots. Records for individuals  
17 who have been retained on the Statewide voter registration  
18 database but are identified as ineligible to vote within this  
19 Commonwealth, or removed from the Statewide voter registration  
20 database due to ineligibility, shall be maintained and kept  
21 available until at least the date of the second general election  
22 that occurs after the date that the individual was identified as  
23 ineligible.

24 § 2003. Recordkeeping.

25 (a) Report.--The secretary shall produce an annual public  
26 report for submission to the General Assembly, including:  
27 (1) the number of records that have been transferred  
28 under law, by source;  
29 (2) the number of individuals newly added to the  
30 Statewide voter registration database because of records

1                   transferred under this part, by source;

2                   (3) the number of individuals on the Statewide voter  
3                   registration database whose information was updated because  
4                   of records transferred under this part, by source;

5                   (4) the number of records that do not relate to  
6                   individuals affirmatively identified as eligible to vote  
7                   transferred under this part, by source;

8                   (5) the number of individuals who opted out of voter  
9                   registration;

10                   (6) the number of individuals who submit requests to  
11                   update or correct voter registration information through the  
12                   SURE system, by the type of information updated;

13                   (7) the number of individuals who submit voter  
14                   registration forms using the online procedure; and

15                   (8) the number of individuals who correct voter  
16                   registration information using the election day procedure.

17                   (b) Race analysis.--In preparing the report under subsection

18                   (a), the secretary shall, for each category of information  
19                   described under subsection (a), include an analysis of the race  
20                   of the individuals, to the extent that information on the race  
21                   of the individuals is available to the secretary.

22                   (c) Confidentiality.--The report under subsection (a) shall  
23                   exclude any information that reveals an individual's identity.

24                   § 2004. Protections against liability.

25                   Any individual who is not eligible to vote and who becomes  
26                   registered under law may not be found on that basis to have made  
27                   a false claim to citizenship or to have committed an act  
28                   involving moral turpitude, unless the individual signs a  
29                   document that affirmatively asserts that the individual is a  
30                   United States citizen after the date on which the individual is

1 registered to vote in this Commonwealth. If an individual who is  
2 not eligible to vote becomes registered under law without  
3 affirmatively accepting registration, that individual's voter  
4 registration shall be considered to have official authorization  
5 to vote in this Commonwealth.

6 § 2005. Protections against misuse of information.

7       (a) Registration use prohibited.--A person may not use the  
8 Statewide voter registration database to attempt to determine  
9 the citizenship status of any individual for any purpose other  
10 than voter registration, election administration or the  
11 enforcement of the laws of this Commonwealth against crimes  
12 pertaining to elections.

13       (b) Information use prohibited.--Information relating to an  
14 individual's absence from the Statewide voter registration  
15 database or an individual's refusal to supply information for  
16 voter registration purposes at a source may not be disclosed to  
17 the public or used for any purpose other than voter  
18 registration, election administration or the enforcement of the  
19 laws of this Commonwealth against crimes pertaining to  
20 elections.

21       (c) Nondiscrimination.--A person may not discriminate  
22 against any individual on the basis of the individual's absence  
23 from the Statewide voter registration database, the information  
24 supplied by the individual for voter registration purposes at a  
25 source or the individual's refusal to supply the information,  
26 except as required to administer elections or enforce the laws  
27 of this Commonwealth against crimes pertaining to elections.

28       Section 6. This act shall take effect in 60 days.